

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1970 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
HIRALAL KALURAM

Versus

STATE OF GUJARAT

-----  
Appearance:

MR BB NAIK for Petitioner  
Mr.Umesh Trivedi, learned ASSTT. GOVT. PLEADER  
for the respondent State.

-----  
CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 21/07/2000

ORAL JUDGEMENT :

The present petition is filed seeking directions to quash and set aside order dated 16.10.1990 bearing No.Licence/ Enforcement/ Registration 253/ 90 passed by the District Civil Supply Officer, Surat, respondent no.3 and confirmed by the District Collector, Surat by his order dated 17.12.1990 and further confirmed by the State Govt. in Revision Application No.1 of 1991 vide order dated 4.3.1991.

2. The short facts giving rise to the present petition are that the petitioner was holding licence to sell kerosene at village Nana Varachha, Taluka Choryasi,

District Surat. Said licence was issued by the District Supply Officer, Surat in the year 1978. The same was continued as was renewed from time to time under the provisions of the Gujarat Essential Commodities (Licence, Control and Declaration of Stock) Order, 1981 ("the Order of 1981" for brevity). A show cause notice was issued to the petitioner in that behalf stating that the stock of kerosene was not as per the Stock Register and there was a deficit of 120 liters of kerosene and thus, there was a breach of clause 23 of the Order of 1981 and Condition No.4 of the licence. It was also alleged against the petitioner that he had sold 73 liters of kerosene for Rs.195/- to one Jayprasad Bhagwantiprasad Mandia without issuing bill. It was also alleged against the petitioner that though the price fixed for the sale of kerosene was Rs.2.30 per liter, the above referred quantity was sold at a higher rate and 60 liters of kerosene was sold to other persons without issuance of bills. Besides this there were other allegations also.

3. The petitioner submitted his reply to the said show cause notice and remained present before the District Civil Supply Officer, Surat. The petitioner had raised certain contentions before the District Civil Supply Officer, which came to be rejected. Being aggrieved of the order passed by the District Civil Supply Officer dated 16.10.1990 cancelling the licence of the petitioner, the petitioner approached the District Collector, Surat by filing an appeal. The District Collector, Surat by an order dated 17.12.1990 dismissed the said appeal and confirmed the order passed by the District Civil Supply Officer. Against the order of the Collector, the petitioner preferred a revision application being Revision Application No.1 of 1991 under clause 12 of the Order of 1981, which came to be heard and decided by the Deputy Secretary, Food and Civil Supply Department. The same was dismissed by the Order dated 4.3.1991. It is against this order that the present petition came to be filed on various grounds, which are set in detail in the petition.

4. While admitting this petition on 4.4.1981, this Court did not grant any interim relief in view of the facts found against the petitioner. The orders under challenge are perused. The learned advocate appearing for the respondents is not able to point out any ground, much less a substantial ground on which the said orders can be interfered with by this Court under its extraordinary jurisdiction against the concurrent findings recorded by all the three authorities against the petitioner on the point of the irregularities alleged

to have been committed by the petitioner. In view of the above no relief as prayed for can be granted.

5. The petition fails. Dismissed accordingly. Rule is discharged with no order as to costs.

21st July 2000 (Ravi R. Tripathi, J.)

karim\*